

Exhibit B

Current Applicable Policy

**LONE STAR COLLEGE SYSTEM DISTRICT
BOARD POLICY MANUAL
Fourth Edition**

VI.D.11. Students with Disability Rights

VI.D.11.01. Policy

The College recognizes and supports the principles set forth in federal and state laws designed to eliminate discrimination against qualified individuals with disabilities. The College believes in equal access to educational opportunities for all individuals. The College is committed to making reasonable accommodations, including furnishing auxiliary aids and services, for qualified individuals with disabilities as required by law. For purposes of this policy section, accommodation requests also mean requests for auxiliary aids and services.

The College shall communicate and make available the procedures for the prompt and equitable implementation of reasonable accommodations for qualified individuals.

VI.D.11.02. Student Responsibility to Request Accommodation

Students with disabilities have the right to an equal opportunity to participate in and benefit from College services, programs, facilities or activities. Students are responsible for identifying themselves as individuals requesting accommodation based on a qualifying disability each semester. Students shall direct accommodation requests to one of the College's Disability Services Offices. While the College accepts accommodation requests throughout each semester, students are strongly urged to submit accommodation requests at least four weeks before each semester starts. The College has a two-step process to reasonably accommodate students with qualifying disabilities. Students must actively participate in this process. The two steps are (a) certifying the student's qualifying disability and (b) determining the student's reasonable accommodation.

Students certified as having a qualifying disability are eligible for accommodation and will engage in a collaborative process with the Disability Services Office to determine their reasonable accommodation. An accommodation will not be considered reasonable if it fundamentally alters the nature of a service, program, facility, or activity of the College. The College is not required to lower or substantially modify program standards or codes of conduct. Students using their accommodation shall notify the applicable instructors of the accommodation once determined. Students receiving accommodation shall be evaluated based on their ability, not disability.

VI.D.11.03. Requests for Reconsideration or Revision of Accommodations and Discrimination Complaints

(a) Reconsideration or Revision of Accommodations. Students may appeal denied accommodations or College-proposed accommodations. Students may also request accommodation revision during the semester. Each Disability Services Office evaluates appeal and revision requests for its college campus. Students should appeal accommodation denials or College-proposed accommodations within two weeks. Students requiring accommodation revision anytime during the semester should submit a request as soon as

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possible. Students may appeal Disability Services Office decisions to the Executive Director of Disability Services. Students may also file a complaint at any time with the regional Office of Civil Rights at the U.S. Department of Education or through the civil court system.

(b) Discrimination Complaints. Students who believe they are unlawfully discriminated against on the basis of disability are encouraged to report the incident to the Disability Services Office and or in the manner described in Section VI.D.12 (Student Civil Rights Complaints). Students may also file a complaint at any time with the regional Office of Civil Rights at the U.S. Department of Education or through the civil court system.

(c) Prohibition of Retaliation or Coercion. No College community member shall discriminate against any individual because that individual has opposed any act or practice made unlawful by the applicable laws, or because that individual submitted a complaint or charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under any applicable law or this policy.

No College community member shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by any applicable law.

VI.D.11.04. Responsible Employee Designation

The College designates the Executive Director of Disability Services as the employee responsible for coordinating the College's efforts to comply with and carry out its responsibilities under applicable disability laws, including investigations of complaints communicated to the College alleging its noncompliance and/or any actions prohibited by applicable laws. The College shall further designate at least one employee at each campus to assist the Executive Director of Disability Services in carrying out the College's responsibilities. The College shall make available to all interested individuals the names, office addresses, and telephone numbers of the employees designated.

VI.D.11.05. Confidentiality and Records

Students' disability records are confidential. The confidentiality protects students from discrimination on the basis of disability as well as to ensure the non-release of their medical records except as needed to provide educational services. The College's Disability Services Office on each campus is responsible for collecting and maintaining disability-related documentation, confidential records of each student's visit, and any ongoing changes in the student's condition. These records are kept in a separate, secure digital file accessible only by Disability Services Office personnel and housed in the College's headquarters.

Disability-related information is shared only when necessary. Limited information may be disclosed to appropriate parties in a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

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VI.D.12 Civil Rights Complaints

VI.D.12.01 Policy

The College provides equal treatment and educational opportunities to all persons without regard to race, color, sex, age, sexual orientation, religion, ethnic or national origin, religion, disability, veteran status, or any other protected status. Any student experiencing discriminatory treatment or civil rights violations, aside from Sexual Violence or Title IX Harassment addressed in Section VI.F.1. (Sexual Harassment, Assault, Violence, and Discrimination), may submit a civil rights complaint under this section.

VI.D.12.02 Reporting and Processing Civil Rights Complaints

Students experiencing a civil rights violation should complain to the applicable Chief Student Services Officer or President as soon as possible. Depending on the nature of the complaint and the respondent to the complaint, the receiving College official or a designee may (a) investigate the complaint and take any appropriate corrective or disciplinary action at the applicable college campus as approved by the President or (b) forward the complaint to the appropriate College official. The College shall publish procedures for Reporting and Processing Civil Rights Complaints.

VI.D.12.03 Potential Disciplinary Actions

If the investigation reveals an employee committed a civil rights violation, action will be taken under this policy's Section IV.F.11 or IV.F.13. If the investigation reveals a student committed a civil rights violation, action will be taken under this policy's Section VI.G.1.

VI.D.12.04 Prohibition on Retaliation

The College's policy prohibits any College employee from retaliating against a student for submitting a student's civil rights complaint. The College's policy forbids retaliating against any person who submitted a civil rights complaint. The College's policy also forbids retaliating against anyone who helps investigate such a complaint. A complaint's actual or perceived truth does not excuse retaliatory conduct. Any person who observes retaliation should promptly notify the applicable Chief Student Services Officer or President.

LSCS Policy Manual Section VI adopted by the Board of Trustees on March 3, 2016

VI.E. STUDENT RESPONSIBILITIES

VI.E.1. Non-Academic Student Code of Conduct

VI.E.1.01 Policy

The College provides a safe and responsive learning environment for all students. The College achieves that environment by enforcing the Lone Star College System Non-Academic Student Code of Conduct. The Non-Academic Student Code of Conduct applies to all students enrolled

Section VI.D.11. Students with Disability Rights Procedures

These procedures supplement and clarify Section VI.D.11 of the Lone Star College System District Policy Manual ("Policy Manual") last revised by the Board of Trustees on March 3, 2016—setting out the College's policy for students with disability rights. The Policy Manual controls when a conflict arises between it and the procedures below. These procedures were last updated on June 23, 2016. The notice and comment period was open online to the public from **April 26, 2016 to May 26, 2016**.

1. Scope of Procedures. The procedures below are intended to apply to College students requesting disability-based accommodations covered in Section VI.D.11 of the Policy Manual. The College recognizes and supports the principles set forth in federal and state laws designed to eliminate discrimination against qualified individuals with disabilities. The College believes in equal access to educational opportunities for all individuals. The College makes reasonable accommodations, including furnishing auxiliary aids and services, for qualified individuals with disabilities as required by law. These procedures are the College's default procedures. However, the College understands that each person is unique and may require variations to these procedures to suit individual needs. Variations to these procedures require consent from the College's Executive Director of Disability Services. College community members with questions or concerns regarding these procedures should contact the College's Executive Director of Disability Services or the Office of the General Counsel.

2. Student Responsibility to Request Accommodation. Students must identify themselves each semester as individuals requesting accommodation based on a qualifying disability. "Accommodations" includes academic adjustments and requests for auxiliary aids and services.

(a) Students Requesting Accommodation for Placement Test(s). Students needing accommodation before a placement test must provide at least three working days' notice to the Disability Services Office ("DSO") at the college hosting the placement test. Every effort will be made to provide services for late requests. This section only applies to students needing placement test accommodation; not for classroom accommodation requests.

(b) Students Requesting Accommodation for On-Campus Meetings. Students needing accommodation for on-campus meetings must provide at least three working days' notice to the DSO at the college hosting the on-campus meeting. Every effort will be made to provide services for late requests. This section only applies to students needing accommodation for on-campus meetings; not for classroom accommodation requests.

(c) Students Requesting Classroom Accommodation at Lone Star College for the First Time. In order to be considered eligible for classroom accommodation, students must provide notice and documentation of their disability to the DSO at the college in which they are enrolled. The College has a two-step procedure to reasonably

accommodate students with qualifying disabilities. Step (1) certifies the student's qualifying disability and step (2) determines the student's reasonable accommodation.

This procedure is meant to be interactive, deliberate, and collaborative between the College and the student. It is not meant to be burdensome, but it can take time—students are strongly urged to begin the procedure as soon as registration opens and at least **four** weeks before classes begin. By starting early, students are more likely to timely receive accommodations. The DSO accepts and considers requests for accommodation on a rolling basis throughout each semester. However, late requests, incomplete documentation, or failure to complete both parts of the procedure may result in accommodation request denial or delays in implementing accommodations. The College goes not retroactively provide accommodations.

1. Certifying the Student's Qualifying Disability. In order for a student to become eligible to receive accommodation through the College, the student's qualifying disability must first be certified through documentation submission and verification as described below.¹

A. Submitting Disability Verification Documentation to the DSO. At least four weeks before classes begin, students should ensure they have current disability verification documentation from a licensed or certified health care professional qualified to treat and diagnose their disability. Please note that K-12 school documentation may not be sufficient for post-secondary documentation requirements. Current documentation typically means no more than five years old but can vary depending on the nature of the disability. If students do not have current documentation, the College recommends they use the College's Disability Verification Form (Form 1).² There are multiple ways to acquire the qualifying disability documentation. All students must submit the Student Information & Disability Accommodation Request (Form 2). In addition to the Student Information & Disability Accommodation Request, students must also submit at least one of the following:

College's Disability Verification Form (Form 1) - Must be completed by a licensed or certified healthcare professional qualified to treat and diagnose the student's disability.

Healthcare Professional Letter – The licensed or certified healthcare professional can submit a signed and dated letter of their own on letterhead which must include: (1) a diagnostic statement identifying the disability and the

¹ Students with apparent disabilities are asked to contact their college DSO directly to inquire as to whether they will need to submit medical documentation. All students must submit the Student Information & Disability Accommodation Request (Form 2).

² The College's Disability Verification Form provides information and forms the students can deliver to his or her health care provider to document the qualifying disability.

diagnosis date; (2) the disability's severity; (3) the medication currently prescribed if any; and (4) the recommended accommodations, if any, that may assist the student in minimizing the condition's impact in an academic setting.

Full Evaluation/Diagnostic Report (Ex. – ETR, MFE)

Once students acquire the necessary medical documentation and complete the Student Information & Disability Accommodation Request Form (Form 2), they must submit both via fax, email, or personal delivery to the applicable DSO. The College recommends that students follow up with their DSO to ensure the DSO has all necessary paperwork to certify their eligibility to receive accommodation.

B. Submitted Documentation Reviewed and Certified by a DSO Provider.

After the DSO receives the documentation, a DSO provider will review. If the DSO provider determines that the submitted documentation certifies that a student has a qualifying disability, the DSO provider will confirm with an email to the submitting student. The certification email from the DSO provider will be sent to the student's College designated email account (i.e., jan smith@my.lonestar.edu). Students may request an alternate means of communication in their original submission. The email will instruct the student to schedule an appointment with a DSO provider. The College and student complete the first step of the two-step procedure once the College send the student that email.

C. Submitted Documentation Reviewed and Not Certified by a DSO Provider.

If the documentation submitted is not approved, the DSO provider will send the student an email with instructions on how to provide sufficient documentation and contact information for follow-up questions.

2. Determining the Student's Reasonable Accommodation. Once students receive their certification email and schedule their appointment, then step two of the two-step procedure can begin. In step two, the College and student work together to help the College determine the reasonable accommodation. Students must complete step two of the procedure to receive accommodation.

A. Schedule and Attend the Intake Appointment with a DSO Provider. Once a student receives the certification email approving their documentation, they must immediately schedule an intake appointment with a DSO provider. Students who have registered for classes must bring their class schedule to the intake appointment. During the intake appointment, the student and the DSO provider will discuss the documentation submitted, barriers the student experiences, reasonable accommodations best suited for the student, and how to set up those accommodations. An accommodation will not be considered reasonable if it fundamentally alters the nature of a service, program, facility, or activity of the College.

Please note that certain types of accommodation will require the student to sign additional forms (i.e., Agreement for Interpretive Services, Agreement to Audio-Record Lectures, etc.).

B. Providing the Accommodation Letter to Professors/Instructors. Once the reasonable accommodation is determined, students will receive an accommodation letter for that semester specifying the accommodation(s). The letter may be provided immediately after the intake appointment or in the days following the appointment. The letter may also be emailed to the student's College designated account. Once students receive their accommodation letter, they must sign the letter before giving it to class instructors. Students wanting to use their accommodations in class must bring the signed accommodation letter to each class they intend to use the accommodation(s). The instructor for each class must then sign the accommodation letter and, subsequently, give the signed accommodation letter to the DSO provider via email or interoffice mail. Ideally, students give their accommodation letter to instructors on the first day of class.

Students are expected to be their own self-advocates. However, students are reminded that the DSO providers can help students advocate for themselves and their accommodations if desired. The College recommends students discuss the accommodation with their instructors in addition to giving them the letter to ensure the accommodations are understood and appropriately implemented. Students are not required to disclose the nature of their disability to the instructor. If students encounter any difficulty with their accommodation, its implementation, or acquiring instructor signature, they should notify the DSO provider immediately.

There may be circumstances in which a student's accommodation is determined to fundamentally alter the nature of a College course or program. In such a case, the accommodation is considered unreasonable. Either the student or instructor will immediately notify the DSO provider if an accommodation is considered to fundamentally alter a course. The DSO provider will determine what adjustment, if any, needs to be made to the student's accommodation.

Students need not give a class instructor the accommodation letter if they decide not to use their accommodation for that class.

(d) Returning Students Requesting Previous Accommodation(s): Returning students who previously completed the two-step procedure of certifying the qualifying disability and determining the reasonable accommodation must request accommodation each semester they wish to receive their approved accommodation(s). Returning students do not have to repeat the entire procedure. To request the previously granted accommodation, students must simply submit their class schedule and a Request for Continued Services (Form 3) to the DSO provider. The DSO provider will contact students if a problem arises with an accommodation for a specific class. However, if students

request changes to previously approved accommodations, then updated documentation may be required.

1. Same Accommodation(s). If the returning student's disability has not changed and the student plans to use the same accommodation(s) previously granted, the student must submit a class schedule and the Request for Continued Services (Form 3) to the DSO provider at least one week before classes begin. The student may submit via fax, email, or personal delivery. The DSO provider will review and, if permissible, a new signed accommodation letter for that semester will be emailed to the student. The student must sign the accommodation letter before giving it to the applicable class instructor(s) for their signature. The instructor then signs the letter and emails it to the DSO provider afterward.

2. Change in Disability or Change in Accommodation(s). Changes in a student's disability or accommodation may require additional documentation.

(i) **Students desiring changes to their accommodations** will need to schedule an appointment with a DSO provider to ensure their eligibility for that accommodation based on the documentation previously submitted.

(ii) **Students experiencing changes in their disabilities** requiring additional or different accommodations may be required to give additional or updated documentation.

Students are urged to submit the Request for Continued Services (Form 3) along with any additional documentation they may have to the DSO at least four weeks before classes begin. A new accommodation letter will be given to the student once the DSO approves any changes. The student must sign the accommodation letter before giving it to the applicable class instructor(s) for their signature. The instructor then signs the letter and emails it to the DSO provider afterward.

(e) **Online Students.** Students only enrolled in online classes must request accommodation in the same manner as students taking classes on the College's premises. Students should, if applicable, request accommodation from their home college which is detailed in their mylonestar account page. Students must still schedule the required appointments with the DSO provider. However, these appointments may be done via telephone, video conference, or in another format that suits the DSO provider and student. Once the student receives the accommodation letter, the student must still sign the letter and then email it to the online instructor for the courses in which the student desires accommodation. The instructor then signs the letter and emails it to the DSO provider afterward. Students are urged to follow-up with the instructor regarding the accommodation and determine whether technical support will be needed to implement the accommodation.

(f) **Multi-Campus Students:** Students enrolled at multiple campuses during a semester should, if applicable, request accommodation from their home college which is detailed

in their mylonestar account page. Additional DSO providers may need to be involved with multi-campus students especially with regard to specific facility accommodations at different colleges.

(g) Auxiliary Aids and Services. Students requesting auxiliary aids and services such as interpreting or notetaking services must have completed the two-step procedure with the DSO. Because many of the offered auxiliary aids and services are scheduled based on students' class schedules, the College urges students to register for classes early and complete the two-step procedure to ensure that services are scheduled before classes begin. Every effort will be made to provide services for late requests. All students receiving auxiliary aids and services will receive additional instructions from the DSO provider.

3. Requests for Reconsideration or Revision of Accommodations and Discrimination Complaints.

(a) Requests for Reconsideration of Accommodation Denial and/or College-Proposed Accommodation. Students may appeal denied accommodations by submitting a Request for Reconsideration (Form 4) within two weeks of the College denying an accommodation request. The Request for Reconsideration shall be submitted to the Executive Director of Disability Services. Once a student has timely submitted his or her Request for Reconsideration, the Executive Director of Disability Services will review and make a determination within five working days. Students may appeal the Executive Director of Disability Services' decision in the manner described in Section VI.D.12 (Student Civil Rights Complaints). Students may appeal College-proposed accommodations in the same manner.

(b) Requests for Accommodation Revisions. After a student is certified as having a qualifying disability and the accommodation is implemented, the student may determine the accommodation needs revision at some point during the semester. Any revision desired by the student must be approved by the DSO; the instructor does not have the authority to change the accommodation. The DSO may determine that a conference with the instructor and student is necessary to determine what accommodation will work best for the student in that course. If the revision is approved by the DSO, the student and instructor must sign the revised accommodation letter and return it to the DSO.

(c) Complaints. Students encountering difficulties or disputes related to their disability or accommodations are encouraged to contact their DSO and the Executive Director of Disability Services as soon as practicable to resolve the dispute informally if possible. A DSO provider will discuss the student's concerns and provide options to help the dispute's resolution.

If the student is unsatisfied with the informal dispute resolution, or if it is unreasonable to resolve the issue informally, the student may submit a complaint in the manner described in Section VI.D.12 (Student Civil Rights Complaints). The Executive Director of Disability Services will be included in all Student Civil Rights Complaints alleging

disability discrimination unless the Executive Director is the respondent to the complaint.

1. Academic Appeal citing Accommodation Implementation. Students are encouraged to discuss accommodation implementation problems with their DSO. Student unable to informally resolve an academic issue related to their accommodation implementation, *i.e.* a request to change a grade, or to challenge a penalty imposed for violation of standard of academic integrity, may file an Academic Appeal (Board Policy section V.C.3).

Any College personnel receiving an Academic Appeal citing improper accommodation implementation shall notify the Executive Director of Disability Services. The Executive Director of Disability Services shall provide a recommendation to the Chief Academic Officer or the Academic Appeals Committee. The Chief Academic Officer or the Academic Appeals Committee shall consider the recommendation provided by the Executive Director of Disability Services. Once the Chief Academic Officer or the Academic Appeals Committee makes a decision, the Chief Academic Officer will inform the Executive Director of Disability Services.

Students may also file a complaint at any time with the regional Office of Civil Rights at the U.S. Department of Education or through the civil court system.

(d) Prohibition of Retaliation or Coercion. The College prohibits any College community member from retaliating against any individual because that individual (i) opposed any act or practice made unlawful by applicable laws or this policy or (ii) submitted a complaint, testified, assisted, or participated in any investigation, proceeding, or hearing under applicable law or this policy. College community members who violate this policy will be disciplined accordingly. Any individual experiencing retaliation or coercion is asked to contact the DSO and the Executive Director of Disability Services immediately.

4. **Responsible Employee Designation.** Appendix A includes the names and contact information for the College's Responsible Employee Designee as well as the contact information for each college DSO.

Effective Date: June 27, 2016



Dr. Stephen C. Head
Lone Star College

APPENDIX & FORMS

LSC-North Harris, LSC CHI Institute, LSC-Health Professions Building, and LSC Transportation Institute

Michelle Barksdale
LSC-North Harris
W.W. Thorne Drive
Houston, TX 77073
Office: Winship, WN-120C
Phone: 281.765.7938
Fax: 281.618.5763
Michelle.M.Barksdale@LoneStar.edu

LSC-Tomball, LSC-Tomball Health Science Building, and LSC-Creekside Center

Carolyn L. DeFlanders
LSC-Tomball
30555 Tomball Parkway
Tomball, TX 77375
Office: C100G
Phone: 281.357.3777
Fax: 281.351.3303
Carolyn.L.DeFlanders@LoneStar.edu

LSC-University Park and LSC Energy & Manufacturing Institute

Jennifer Crawford
LSC-University Park
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Houston, TX 77070-2607
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jennifer.Crawford@LoneStar.edu

LSC-Greenspoint Center

Marilyn Martin
LSC-Greenspoint Center
250 N. Sam Houston Pkwy E.
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Office: Greenspoint 314
Phone: 281.260.3522
Marilyn.A.Martin@LoneStar.edu

LSC-Victory Center

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DISABILITY VERIFICATION FORM (Form 1)
Medical Provider Verification



Dear Health Care Professional,

One of your patients is a student at Lone Star College requesting a disability-based academic accommodation. Accommodations are made for qualified students with a disability in order for them to equally participate in all programs and services offered by the College to ensure compliance with all applicable disability laws. In order for the Disability Services Office to determine the student's accommodation eligibility, we need your clinical assessment/diagnosis of the student. You may fax us a copy, but our records must include an original with your signature and business card. In addition to the form provided, you may provide supplemental information on your letterhead.

In order for the student to be certified as eligible, the documentation must show how the disability substantially limits one or more major life activities. Current and relevant information is required in order to determine the appropriate reasonable accommodation that may be offered to the student.

All information should be completed by a medical provider qualified to diagnose and treat the student's disability.

Please provide the following:

- (a) A completed and signed Provider Verification packet for each disability and
- (b) Your business card stapled to each Provider Verification packet.

The information you provide will be kept confidential in accordance to the Family Education Rights and Privacy Act (FERPA) and may be released to the student upon written request for records.

If you have any questions regarding this form or opportunities for the student, please contact Disability Services at the information listed below. We may also contact you directly for supplemental information if necessary to make a determination

Thank you for your assistance,

*The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information", as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Provider Verification of Physical/Medical Disability

Student Name: _____ Student ID: _____

To the Student: The form below the line must be completed by your medical provider who is qualified to diagnose and treat your disability. The Disability Services Office reserves the right to request additional documentation or contact your provider for additional information. If this form is completed by anyone other than a qualified licensed profession, the information will not be used to support your accommodation request. Inaccurate and incomplete documentation may hinder the College's ability to accommodate you based on its policies and procedures.

Please sign the box below to give your medical provider authorization to release information to the Disability Services Office.

I, _____, authorize my medical provider to release to Lone
Printed Student Name
 Star College's Disability Services Office the medical information requested on this form for the purpose of determining appropriate accommodations for my disability while a student at Lone Star College.

Patient Signature: _____ Date: _____
Student Signature

TO BE COMPLETED BY MEDICAL PROVIDER

Is the student currently under your care? ☐ No ☐ Yes If yes, for how long? _____

What is the diagnosis/impairment/condition? (Please describe and use ICD 10 diagnostic codes and or APA DSM 5)

Date(s) of Onset: _____

A. FUNCTIONAL LIMITATION CHART

Reminder: Please identify functional limitations without regard for mitigating measures (i.e., medications). For intermittent conditions, assess functional limitations based on a picture when all symptoms are active. Use an "X" to indicate level of impact on major life activities.

Major Life Activities	No Impact	Moderately Impacts	Substantially Impacts	Unknown
Communicating				
Concentrating				
Hearing				
Learning				
Manual Tasks				
Reading				
Seeing				
Thinking				
Walking				
Working				
Sitting				
Other:				

What are the specific functional limitations resulting from the disability's impact on the major life activities in a learning environment (e.g. unable to handle stairs, miss class due to side effects from disability or medication, unable to sit for long periods of time)? _____

Are the functional limitations permanent? ☐ No ☐ Yes If no, what is the anticipated date of resolution? _____

Is the student currently undergoing treatment? ☐ No ☐ Yes If yes, please describe the type of treatment and list any medications and possible side effects that may affect the student in an academic setting: _____

B. FUNCTIONAL OR BEHAVIORAL PRESENTATION CHART

Please use an "X" to indicate additional limitations or behavioral manifestations.

Limitations and Behavioral Manifestations	Not an Issue	Moderate Issue	Substantial Issue	Unknown
Cognitive Processing				
Memory				
Processing Speed				
Meeting Deadlines				
Attending class				
Organization				
Reasoning				
Stress				
Sleep				
Appetite				
Other:				

What are the specific behavioral limitations resulting from the disability's impact on the major life activities in a learning environment? _____

Are the behavioral limitations permanent? ☐ No ☐ Yes If no, what is the anticipated date of resolution? _____

Is the student currently undergoing treatment? ☐ No ☐ Yes If yes, please describe the type of treatment and list any medications and possible side effects that may affect the student in an academic setting: _____

Medical Provider Information:

First Name: _____ Last Name: _____

Title: _____ State License Number: _____

Address: _____ City: _____ State: _____

Zip: _____ Phone: _____ Fax: _____

Physician/Provider Signature: _____ Date: _____

PLEASE ATTACH
BUSINESS CARD
HERE

STUDENT INFORMATION & DISABILITY ACCOMMODATION REQUEST (Form 2)*Accommodations Requests also include requests for Auxiliary Aids and Services***Student Information:**

Name: _____

Student ID: _____ Date of Birth: _____

Address: _____

Primary telephone: _____ Email: _____

Do you give permission to leave confidential information on voicemail? Y __ N __

Would you like to receive email updates and reminders from our office? Y __ N __

Emergency Contact Information (optional):

Are you currently enrolled at Lone Star College? Y __ N __

If yes, check campus:

- | | | |
|---|--|---|
| <input type="checkbox"/> Cy-Fair | <input type="checkbox"/> Aldine Center | <input type="checkbox"/> Greenspoint Center |
| <input type="checkbox"/> Kingwood | <input type="checkbox"/> Tomball | <input type="checkbox"/> Fairbanks Center |
| <input type="checkbox"/> Cypress Center | <input type="checkbox"/> Creekside | <input type="checkbox"/> Victory Center |
| <input type="checkbox"/> Montgomery | <input type="checkbox"/> University Park | <input type="checkbox"/> Atascocita Center |
| <input type="checkbox"/> North Harris | <input type="checkbox"/> Conroe Center | <input type="checkbox"/> Other _____ |

If no, when will you enroll and where? _____

Career Goal or Major: _____

Disability Information:

What is your disability or disabilities? _____

Check All That Apply:

- | | | |
|---|---|--|
| <input type="checkbox"/> Learning Disability | <input type="checkbox"/> Mental Health | <input type="checkbox"/> Physical/Mobility |
| <input type="checkbox"/> Asperger's/Autism | <input type="checkbox"/> Blind/Low Vision | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Deaf/Hard of Hearing | <input type="checkbox"/> Traumatic Brain Injury | _____ |
| | | _____ |

What accommodations will assist you in your academic life? _____

Check all support you receive and list corresponding contact information:

- ☐ DARS (Department of Assistive and Rehabilitative Services)
☐ VA
☐ MHMR (Mental Health Services)
☐ OTHER _____

Agency Name:	_____
Contact Name:	_____
Telephone:	_____
Agency Name:	_____
Contact Name:	_____
Telephone:	_____

**STUDENT AGREEMENT REGARDING DISABILITY ACCOMMODATION REQUESTS**

Please read carefully and initial each statement below indicating your agreement:

_____ I understand that I must submit a request for accommodation and provide requested documentation of my disability to the Disability Services Office at the college where I am enrolled in order to be eligible to receive accommodation(s).

_____ I understand that accommodation requests with approved documentation may take 2-4 weeks to be processed and, if possible, implemented by the College.

_____ I understand that, for the Disability Services Office to provide effective accommodation(s) for me, information related to my enrollment, courses, and disability will be used by the Disability Services Office for purposes of preparing or providing reasonable accommodation.

_____ I consent to the College's Disability Services Offices to communicate regarding my disability as it pertains to my accommodations, educational needs, and progress.

_____ I consent to the Disability Services Offices to communicate with my instructors regarding proposed or approved accommodation(s), my educational needs, and progress reports as needed. Unless specifically requested in writing, the Disability Services Office will not communicate my disability outside of personnel in the College's Disability Services Office.

_____ I understand that I must meet with the Disability Services Office each semester I am enrolled to be eligible to receive accommodation(s).

Student Signature

Date

For Disability Services Office Use Only:

Did student provide and attach requested documentation to be eligible for accommodation? Y ____ N ____

If no, was student provided with a Disability Verification Form and reminded of his or her responsibility to obtain said documentation prior to being eligible for accommodation? Y ____ N ____

Did Disability Services provider and student discuss the student's class schedule and specify which courses he or she desired accommodation(s) for? Y ____ N ____

DSO Provider: _____ Date: _____

STUDENT REQUEST FOR CONTINUED SERVICES (Form 3)

This Form is for students who have previously completed the College's two-step process for receiving accommodation from the Disability Services Office (DSO). If you have not completed the College's two-step process, please use the Student Information & Disability Accommodation Request (Form 2). Please note that submission of this form does not automatically grant accommodation. Once submitted, a DSO provider will review this Form and determine whether the you are eligible for accommodation. Eligible students will receive an accommodation letter from the DSO for the current semester.

Student Information:

Name: _____ Today's Date: _____

Student ID: _____ Date of Birth: _____

Address: _____

Primary telephone: _____ Email: _____

When did you receive accommodation at Lone Star College? Semester _____ Year _____

College of enrollment:

- | | | |
|---|--|---|
| <input type="checkbox"/> Cy-Fair | <input type="checkbox"/> Aldine Center | <input type="checkbox"/> Greenspoint Center |
| <input type="checkbox"/> Kingwood | <input type="checkbox"/> Tomball | <input type="checkbox"/> Fairbanks Center |
| <input type="checkbox"/> Cypress Center | <input type="checkbox"/> Creekside | <input type="checkbox"/> Victory Center |
| <input type="checkbox"/> Montgomery | <input type="checkbox"/> University Park | <input type="checkbox"/> Atascocita Center |
| <input type="checkbox"/> North Harris | <input type="checkbox"/> Conroe Center | <input type="checkbox"/> Other _____ |

Disability Information:

Has your disability changed? Y _____ N _____

If Yes, please explain: _____

Are you submitting updated documentation? Y _____ N _____

Are you requesting the same accommodation(s) previously granted by the College? Y _____ N _____

If No, please explain: _____

Is your current class schedule attached? Y _____ N _____

**STUDENT AGREEMENT REGARDING CONTINUED SERVICES REQUESTS**

Request for Continued Services (Form 3)

Page 1 of 2

Please read carefully and initial each statement below indicating your agreement:

_____ I understand that I must submit a request for continued services to the Disability Services Office be eligible to receive previously granted accommodation each semester.

_____ I understand that changes to my disability or my previously granted accommodation may require me to provide additional or updated documentation.

_____ I understand that changes to my disability or my previously granted accommodation may take 2-4 weeks to be processed and, if possible, implemented by the College.

_____ I understand that, for the Disability Services Office to provide effective accommodation(s) for me, information related to my enrollment, courses, and disability will be used by the Disability Services Office for purposes of preparing or providing my reasonable accommodation.

_____ I consent to the College's Disability Services Offices to communicate regarding my disability as it pertains to my accommodations, educational needs, and progress.

_____ I consent to the Disability Services Offices to communicate with my instructors regarding proposed or approved accommodation(s), my educational needs, and progress reports as needed. Unless specifically requested in writing, the Disability Services Office will not communicate my disability outside of personnel in the College's Disability Services Office.

Student Signature

Date

For Disability Services Office Use Only:

Did student attach class schedule? Y ____ N ____

Are students previously provided accommodations reasonable for the current classes? Y ____ N ____

Did student have a change in disability? Y ____ N ____

If yes, did student provide additional or updated documentation? Y ____ N ____

Did student request a change in the previously provided accommodation(s)? Y ____ N ____

If yes, does the change requested require additional or updated documentation? Y ____ N ____

DSO Provider: _____ Date: _____

Request for Reconsideration (Form 4):

This request must be sent to the Executive Director of Disability Services



Student: _____
Print Name

Student ID: _____

Disability Services Office: _____
College campus

This Request for Reconsideration is for (circle one):

Accommodation Denial or College-proposed Accommodation

Request for Reconsideration – Please describe the circumstances of your request for reconsideration. Attach all relevant documentation including the Disability Services Office denial of accommodation or your accommodation letter.

Pre-March 2016 Applicable Policy

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VI.D.3.09 Searches Without Warrants

If no search warrant is obtained, System officials nonetheless have limited authority to search a student's person or property as follows:

- a. any prohibited item within "plain view" is subject to seizure;
- b. personal property may be searched, if probable cause exists, and only if exigent circumstances justify not obtaining a search warrant;
- c. areas such as lockers and desks, which are owned and controlled by LSCS, may be searched by LSCS officials when they have reasonable cause to believe that stolen items or items prohibited by law or by Board policy are contained in the area to be searched; and
- d. stolen items and items which are forbidden by Board policy or law may be impounded and used as evidence in internal school disciplinary proceedings against the student.

Different standards may apply in the event that law enforcement authorities are involved in a search. These matters should be referred to the General Counsel of LSCS.

VI.D.3.10 Limitations

Searches conducted on LSCS premises, with assistance from law enforcement authorities, are governed by Fourth Amendment standards.

VI.D.3.11 Prohibited Discrimination/Harassment Policy

LSCS provides equal treatment and educational opportunities to all persons without regard to race, color, creed, national origin, gender, age, veteran's status, sexual orientation, and disability. See Section IV.F.4.

VI.D.3.12 Students with Disabilities

VI.D.3.12a System Disability Mission Statement

LSCS believes in equal access to educational opportunities for all individuals. Therefore, LSCS endeavors to create, promote, and maintain an environment where individuals with disabilities have access to educational opportunities with minimal adaptations. This is done by:

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- a. promoting accessibility and utilizing principles of Universal Design;
- b. providing exemplary service;
- c. establishing accountability by maintaining cost-efficient and effective services;
- d. developing an institutional culture of acceptance and shared ownership; and
- e. changing and adapting as indicated by developments in the field of disability and higher education and/or LSCS policy

VI.D.3.12b System Policy

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or the opportunity to participate in activities of LSCS or otherwise be subjected to discrimination by LSCS.

LSCS shall not exclude or otherwise deny the benefits of System services, programs, or activities to an individual because of a relationship or association with a qualified individual with a disability.

VI.D.3.12c Definition

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to policies, practices or procedures, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by LSCS.

VI.D.3.12d Reasonable Accommodations

LSCS shall make reasonable modifications to policies and practices or procedures when the modifications are necessary to allow a qualified individual with a disability to participate as fully as possible in a program or class or enjoy the rights and privileges offered by the System, provided that the modification would not fundamentally alter the nature of the service, program, or activity, or otherwise place an undue burden on the System as provided by law.

VI.D.3.12e Communications

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LSCS shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with those without disabilities.

VI.D.3.12f Auxiliary Aids and Services

LSCS shall furnish appropriate auxiliary aids and services where necessary to afford a qualified individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by LSCS. In determining what type of auxiliary aid or service is necessary, LSCS shall give primary consideration to the requests of the individual with disabilities.

VI.D.3.12g Definition

"Auxiliary aids and services" include:

- a. qualified interpreters, note takers, transcription services, written materials, assistive listening devices and systems, telephone handset amplifiers, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), video text displayers, or other effective methods for making orally delivered materials available to individuals with hearing impairments;
- b. qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered material available to individuals with visual impairments;
- c. acquisition or modification of equipment or devices; and
- d. other similar services and actions.

VI.D.3.12h Notice

LSCS shall make available to applicants, participants, beneficiaries and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA), as amended, and its applicability to the services, programs or activities of LSCS. The information shall be made available in such manner as required by law to apprise such persons of the protections against discrimination assured them by the ADA.

VI.D.3.12i Disability Services Provider

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LSCS shall designate at least one employee per college to coordinate its efforts to comply with and carry out its responsibilities under Title II of the ADA, as amended, and Section 504 of the Rehabilitation Act, including prescribing and coordinating accommodations and services.

LSCS shall make available to all interested individuals the name, office address and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable implementation of said accommodations/services, as indicated under the ADA, as amended, and Section 504 of the Rehabilitation Act.

VI.D.3.12j Eligibility and Documentation

A student requesting accommodations for a disability is required to provide documentation of the disability to the college's designated office for disability services. The documentation is required for the following three purposes:

- a. to establish the individual's eligibility under the ADA, as amended, and Section 504 of the Rehabilitation Act;
- b. to establish the need for accommodations in order to have equal access; and
- c. to determine appropriate reasonable accommodations.

In order for a student with a disability to receive accommodations, that student is required to register for services through the college's designated office for disability services. If possible, the student requesting services should make an initial contact with the College's designated office the semester prior to enrollment—at least 4 weeks prior to the first class.

VI.D.3.12k Student Rights and Responsibilities

A student with a disability has a right to an equal opportunity to participate in and benefit from services, programs, or activities offered at LSCS. To ensure an efficient working relationship with the College's designated office for disability services, students are urged to take an active role in applying for reasonable accommodations. To protect this right, a LSCS student with a disability:

- a. has a responsibility to identify himself/herself as needing an accommodation preferably prior to enrollment;
- b. has a responsibility to provide documentation of disability to the college's designated office for disability services;

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- c. has a responsibility to actively participate in the search for accommodations and auxiliary aids;
- d. has a responsibility to notify faculty of his/her accommodation needs;
- e. has the same obligation as any student to meet and maintain the System's academic and technical standards and code of conduct;
- f. has a right to be evaluated based on his/her ability, not disability;
- g. is entitled to an equal opportunity to learn;
- h. is entitled to an equal opportunity to participate in and benefit from the academic community, including access to services, extracurricular activities, and transportation at a comparable level as that provided to any other student; and
- i. has a right to appeal the System's decisions concerning accommodations, first internally, by pursuing the College's complaint process available to student with equal opportunity complaints, and then externally, by filing a complaint with the regional Office of Civil Rights at the U.S. Department of Education or through the Civil Court system.

VI.D.3.12l Confidentiality

Records related to disability are considered to be highly confidential, as indicated in federal guidelines. The purpose of such confidentiality is to protect the student from discrimination on the basis of disability as well as to ensure the non-release of his/her medical records except as needed to provide educational services.

The College's designated office for disability services is responsible for collecting and maintaining these records in a secure, separate file and is considered part of the student's education record. Only office personnel have direct access to these files.

Disability-related information should be shared only when necessary, and then only limited information shall be shared. Information is to be shared on a need to know basis. In the interest of serving the needs of the student, the provision of services may involve the college's designated office for disability services disclosing disability information provided by the student to appropriate System personnel participating in the accommodation process. Information may be disclosed to appropriate parties in a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

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VI.D.3.12m Process for Reconsideration of Accommodations

Students with disabilities may request reconsideration of the reasonable accommodations that have been prescribed by the college's designated office for disability services on an informal basis by scheduling an appointment with the office to review the prescribed accommodations. Typically, requests for consideration of revising accommodations should be made within the first two weeks of the accommodation being offered or denied. However, there are occasions where the need to revise the accommodations may not become apparent until later in the semester. If this should occur, the college's designated office for disability services should review the student's request, review the supporting disability documentation, and make revisions if appropriate. If additional information is required before a decision can be made regarding the appropriateness of the requested revision, the office may temporarily provide the requested accommodation for a specified period of time if deemed appropriate. The student may pursue a formal grievance process at any time under Board Policy Section IV.F.4.01.

There may be occasions where it is necessary for the College's designated office for disability services to consult with the faculty member in order to determine which accommodations are reasonable for a specific class. Decisions about reasonable accommodations should be made on a case-by-case basis and should take into account the essential elements (as documented in Core Competencies, learning outcomes, etc.) of each class as well as the impact of the disability on the individual student.

Faculty members should consult with the College's designated office for disability services, not the student, if there are questions about the designated accommodations.

VI.D.3.13 Access to Information and Technology for Individuals with Disabilities

In compliance with Texas Government Code §2054.451 et. seq. LSCS shall, in developing, procuring, maintaining, or using electronic and information resources ensure that individuals with disabilities have access to and the use of information and technology comparable to the access and use available to System employees without disabilities, unless it would impose a significant difficulty or expense to the System.

The home page of LSCS's Web site and key public entry points shall include an "Accessibility" or "Site Policies" link to Web pages that contain LSCS's accessibility policy, site validation (e.g., Section 508), contact information for LSCS's designated accessibility coordinator, and a link to the Governor's Committee on People with Disabilities Website:

<http://www.legis.state.tx.us/tlodocs/79R/billtext/html/HB02819F.htm>

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<http://www.section508.gov/>

<http://www.governor.state.tx.us/disabilities/>

LSCS Policy Manual Section VI adopted by the Board of Trustees on December 1, 2011

VI.E. STUDENT RESPONSIBILITIES

VI.E.1. Student Code of Conduct

VI.E.1.01 Policy

Each student shall have access to LSCS's rules and regulations concerning student conduct. These rules and regulations are in effect when attending or participating in any class or activity sponsored by LSCS or one of its colleges, either on campus or at an off-campus location.

LSCS is dedicated to providing a quality comprehensive educational program designed to meet and balance the diverse and changing educational, social, economic, and cultural needs of the community while providing a safe and healthful environment. LSCS is committed not only to learning and to the advancement of knowledge but also to the education of ethically sensitive and responsible persons. LSCS seeks to achieve these goals through a sound educational program and through rules and regulations governing student life that encourage responsibility and respect for the rights and viewpoints of others.

LSCS believes that students are adults who are responsible for their own actions, and who should be free to pursue their educational objectives in an environment that promotes learning, protects the integrity of the academic process, and protects the learning community.

VI.E.1.02 Policy Regarding Conduct

LSCS and each of its colleges shall provide a safe, responsive learning environment for all students and shall develop a student code of conduct to effectuate this goal.

VI.E.1.03 Applicability of Code of Conduct

The academic and non-academic misconduct described in this section applies to all students enrolled in a credit or non-credit course at LSCS, whether offered on or off campus or online.

Exhibit C

From: Saunders, Victoria A
To: Dassey, Valentina
Subject: FW: Michael Moates #7326786
Date: Tuesday, June 21, 2016 6:15:33 PM
Importance: High

Hello Valentina,

I remember receiving a call from Iris Hansen regarding a student that had complained that he was having trouble getting assistance with Disability Services. I remember she called me early and this was on the morning of the first day, Monday December 14th 2015, of the Minimester. The student's name was Michael Moates and she told me he was taking all online classes. She said that he was taking a Minimester and needed accommodations for that course. I spoke with Iris fairly early in the morning, before 9:00am because she then sent an e-mail to Kristin Lue King about the student's concerns and her conversation with me at around 9:00am. I remember that is was very shortly after I finished speaking to Iris I received a call from Michael Moates himself. He told me that he was taking a mini-mester course that started that same day and needed accommodations. I told him that I would be happy to help him and that he would need to fill out an intake form me along with signing a consent form. I also told him that he would need to send me some documentation regarding the reason he was requesting accommodations. He asked me how long this would all take and I told him that if he responded to me quickly I could have it taken care of for him no later than the following day. He sounded surprised when I mentioned I could get it done for him so quickly. If I remember correctly he made some type of comment about I wish I could have gotten this done before. I don't remember the specifics of our conversation but to the best of my recollection we discussed that he wanted additional test taking time for his exams. Additional time for exams is a common accommodation for online courses and I told him that should not be a problem. Again, I don't remember the exact conversation but I believe all he was requesting was additional test taking time and I told him that for online I usually give 50% more time. I routinely tell students that if that 50% more time is not sufficient to let me know and it can be adjusted, however, I don't recall the specifics of our conversation. I don't recall him complaining about the time given or asking for any other accommodations.

When I finished speaking with him I asked the advisor that works with me, Mary Beth Sullivan, to forward Michael a copy of the intake form and consent form. She did that in the morning and we received an e-mail back from him within a few hours with the intake form completed and the consent form signed. On the intake form Michael requested no time limits for testing as per his psychiatrist. As per our conversation, I prepared the accommodations letter for Michael's mini-mester class and it was forwarded to his professor by 1:30pm that afternoon by Mary Beth Sullivan. I don't remember exactly but either he asked me or I offered to send it directly to his instructor on his behalf. I do recall he was happy that I would do that for him. I don't recall Michael calling me back to comment on the accommodations or complain. In fact, I vaguely remember speaking with him only one other time but I think that was sometime in the spring semester.

Vicky Saunders, MA, CRC
Counselor, Disability Services
Lone Star College-Montgomery
Phone (936) 273-7239
FAX (936) 273-7207
Victoria.Saunders@lonestar.edu

Sullivan, Mary B

From: Sullivan, Mary B
Sent: Monday, December 14, 2015 10:14 AM
To: 'Michaelsmoates@gmail.com'
Cc: Saunders, Victoria A
Subject: DS application
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Attached please find a copy of the required paper work to receive classroom accommodations. Please fill them out, sign, and return them to Victoria.A.Saunders@lonestar.edu along with the required documentation. If you have any questions please feel free to call Disability Services @ 936 273-7221.

-----Original Message-----

From: UP-11139-Copier@Lonestar.edu [mailto:UP-11139-Copier@Lonestar.edu]
Sent: Monday, December 14, 2015 9:52 AM
To: Sullivan, Mary B
Subject: Scanned from a Xerox Multifunction Printer

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: machine location not set
Device Name: MC-PXC-C200-01

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

Sullivan, Mary B

From: Michael Moates <MMOATES@my.lonestar.edu>
Sent: Monday, December 14, 2015 11:27 AM
To: Sullivan, Mary B
Subject: Michael Moates
Attachments: Scanned from a Xerox Multifunction Printer.pdf; Doc Dec 14, 2015, 11_23.pdf

here you go.

Thanks,

Michael



Student Success Center – ADA Intake Form

Date: 14 Dec 2015Student Id: 7326786Name: Michael MoatesGender: ☒ Male ☐ FemaleAddress: 4440 W Airport Freeway
Street Address or PO BoxIrving
CityTX
State75062
Zip

Home Telephone: _____

Cell Phone: 817-880-4326Email: michaelsmoates@gmail.comDate of Birth: 01-14-1995

Anticipated Start Date: _____

Are you currently enrolled at Lone Star College? ☒ Yes ☐ No If yes, check campus:
☐ Cy-Fair ☐ Kingwood ☐ Montgomery ☐ North Harris ☐ Tomball ☐ University Park
☐ Conroe Center ☐ Greenspoint Center ☐ Fairbanks Center ☐ Victory Center ☐ Atascocita Center
Current Enrollment Status:
☐ High School Student ☐ First Time Student ☐ Current Student ☐ LSCS Alumni ☒ Transfer Student
Highest Education Level Obtained:
☐ High School Diploma/GED ☒ Some College ☐ Associates Degree ☐ Bachelors Degree
☐ Masters Degree ☐ Other _____ Number of College Credits Earned: _____
Current Educational Goal:
☐ Undecided ☐ Certificate Program ☐ Associates Degree ☒ Bachelors Degree ☐ Continuing Education

Current Employment (select one): ☐ Employed Full-Time ☐ Employed Part-Time ☐ Self-Employed

☐ Not Employed/Seeking ☒ Not Employed/Not Seeking Work
What are your career goals? PsychologyWhat is your disability? Oppositional Defiant Disorder (ODD), Dysgraphia, R/O Learning Disability, ADHDWhat accommodations will assist you in your learning? No time limits on testing per psychiatrist,

Signature _____

APPROVED AS TO FORM BY

 SHELLEY E. ROSEMAN
 OFFICE OF THE GENERAL COUNSEL
 LONE STAR COLLEGE SYSTEM

Date: _____

Counselor Notes

Initial Notes: _____

Date: _____

Notes: _____

Date: _____

Notes: _____



Consent for Release of Information

Please be advised that your disability record constitutes privileged information that is protected by the laws of the State of Texas and may contain information protected under Federal Confidentiality Regulations. You may revoke this consent through written notice, but it will not apply to any action taken prior to the revocation. If not revoked earlier, this consent form expires upon graduation or non-enrollment at LSCS.

I, (print name) Michael Moates give my consent for LSCS Disability Services Office to communicate/release/request information in regards to my accommodations, educational needs, and progress to the individual(s) listed below

I authorize my LSCS Disability Services Counselor to communicate with:

_____ Name
_____ Relationship/Agency

_____ Name
_____ Relationship/Agency

I authorize the release or receipt of the following records/assessments:

☐ Audiograms

☐ Educational

☐ Medical

☐ Ophthalmology

☐ Psychiatric

☐ Psychoeducational

☐ Psychological

☐ Vocational

To: _____	From: _____
_____	_____
_____	_____

I specifically authorize the release of information pertaining to drug and alcohol abuse and/or HIV testing/test results if such is a part of the record. Release or transfer of the specified information to any person or entity not specified herein is prohibited by law.

Student Signature _____

I have read, or have had read to me, the terms and conditions of this agreement, and fully understand the same. I do freely, voluntarily, and without coercion agree to those terms and conditions contained herein.

Student Signature

Date

Date of Birth

Social Security Number

Counselor

Date

APPROVED AND FORWARDED BY
[Signature]
SHELETTA BOSSMAN
OFFICE OF THE CHIEF COUNSEL
LONE STAR COLLEGE SYSTEM



Disability Services

Agreement for Utilizing a Tape/Digital Recorder in the Classroom

I understand that, as a student enrolled at Lone Star College System who has a disability that affects my ability to take or read notes, I may tape/digitally record my class lectures for use in my personal studies only. I realize that lectures recorded for this reason may not be shared with other people without the written consent of the lecturer. I also understand that the recorded lectures, including classroom comments, are confidential and to be used for study purposes only.

~~I am aware that the information contained in the tape/digitally recorded lectures is~~
protected under federal copyright laws and may not be published or quoted without the
expressed consent of the lecturer and without giving proper identity and credit to the
lecturer.

I agree to adhere to these guidelines with regard to any lectures that I tape/digitally
record while enrolled as a student at Lone Star College System.

Printed Student Name

Student Identification Number

Student Signature

Date

Witness

Date

APPROVED AS TO FORM BY

SHELLEY L. DOGEMAN
OFFICE OF THE GENERAL COUNSEL
LONE STAR COLLEGE SYSTEM



Informed Consent for Disability Services Office

I, (print name) Michael Moates, have read and understand the informed consent for disability services as specified below. This information is to be utilized by the Disability Services Offices at the Lone Star College System to assist in my educational experience. My information will be used to support my college counselors' ability to assist me in my education.

- The Disability Services Office may communicate with my instructors to discuss my accommodations, educational needs, and progress.
- If I attend more than one college in the Lone Star College System, I understand that my documentation may be shared with other LSCS Disability Services Offices to discuss my accommodations, educational needs, and progress.
- The Disability Services Office may communicate with other LSCS professional colleagues to discuss my disability related issues as they pertain to my accommodations, educational needs, and progress.
- Noted exceptions: _____

I have read and understand the above information and have had any questions answered to my satisfaction.

Student Signature

14 Dec 15

Date

01-14-1995

Date of Birth

7326786

Student Identification Number

Counselor Signature

Date

APPROVED AS TO FORM BY

SHELBY L. BOSMAN
OFFICE OF THE GENERAL COUNSEL
LONE STAR COLLEGE SYSTEM

Sullivan, Mary B

From: Sullivan, Mary B
Sent: Monday, December 14, 2015 12:49 PM
To: 'Michael Moates'
Cc: Saunders, Victoria A
Subject: RE: Michael Moates

Thank you. I will forward the information to Vicky Saunders.

From: Michael Moates (mailto:MMOATES@my.lonestar.edu)
Sent: Monday, December 14, 2015 11:27 AM
To: Sullivan, Mary B
Subject: Michael Moates

here you go.

Thanks,

Michael

Sullivan, Mary B

From: Sullivan, Mary B
Sent: Monday, December 14, 2015 1:13 PM
To: 'mmoates@my.lonestar.edu'
Cc: Saunders, Victoria A
Subject: FW: Scanned from a Xerox Multifunction Printer
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Attached please find a copy of your accommodations. A copy has been sent to your online professors.

-----Original Message-----

From: UP-11139-Copier@Lonestar.edu [mailto:UP-11139-Copier@Lonestar.edu]
Sent: Monday, December 14, 2015 12:57 PM
To: Saunders, Victoria A; Sullivan, Mary B
Subject: Scanned from a Xerox Multifunction Printer

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: machine location not set
Device Name: MC-PXC-C200-01

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



Disability Services Classroom Accommodations

Date: 12/14/2015

Semester: *SPRING*

Calendar Year: *Fall 2015 to Summer 2016*

STUDENT INFORMATION:

ID 7326786

First Name: *Michael*

Last Name: *Moates*

The above named student is enrolled in your course. She/he has been identified as a student with a disability who qualifies for support services as outlined in the federal guidelines of: Section 504 of the Rehabilitation Act of 1973; The Americans with Disabilities Act of 1990; and the ADAA of 2009. This student's disability will require some accommodation(s). The accommodation(s) is to help the student compensate for his/her disability, not to provide an unfair advantage or change course requirements. The accommodation(s) that will be needed is listed below:

Counselor *Vicky Saunders*

Phone: 936-273-7239

E-mail: *Victoria.A.Saunders@lonestar.edu*

ACCOMMODATIONS - Assessment

- Please allow student 50% more time on all timed exams and quizzes in your class. This accommodation does not afford the student an extension on homework assignments.

-
-
-
-
-

ACCOMMODATIONS - Assistive Technology

-
-
-
-
-

ACCOMMODATIONS - Classroom Instruction

-
-
-
-
-

ACCOMMODATIONS - Classroom Environment

•

ACCOMMODATIONS - Interpreting and Captioning

•

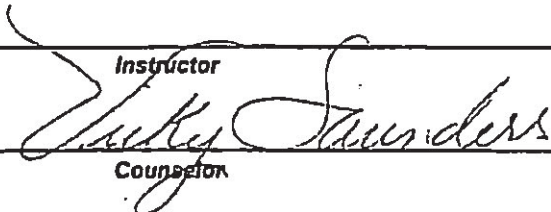
ACCOMMODATIONS - Other

•

Students should request alternative formatting for textbooks (including audio books) from the Assistive Technology Lab. However, the instructor may be responsible for providing enlarged print/additional printed material (i.e. PowerPoint presentations, handouts). Students should consult with instructor regarding specific needs. You and the student should meet to discuss the course requirements and accommodation(s). Should any revisions need to be made, please contact the named counselor listed above. These services commence from the time the student submits the form to the instructor. They are not retroactive. Please review, sign and date this form and return to the counselor indicated below:

Counselor/Room Vicky Saunders - Montgomery - C123

For a list of additional Faculty Resources, please use the following website link: <http://www.lonestar.edu/faculty-resources-disability.htm>

<i>Student</i>	<i>Date</i>
<i>Instructor</i> 	<i>Date</i> 12-14-2015
<i>Counselor</i>	<i>Date</i>

Sullivan, Mary B

From: Sullivan, Mary B
Sent: Monday, December 14, 2015 1:19 PM
To: Lovell, Darrell A
Cc: Saunders, Victoria A
Subject: Michael Moates #7326786
Attachments: Scanned from a Xerox Multifunction Printer.pdf

My name is Mary Beth Sullivan and I work in the Disabilities Office at Lone Star College, Montgomery. I wanted to let you know that Michael Moates #7326786, a student in your Online GOVT 2306 class (section 3012, class#14683) has special accommodations. Attached please find a copy of Michael's detailed accommodations. Please let us know if you anticipate any problems and we will work together to find a reasonable solution. Thank you in advance for your assistance with Mr. Moates.

Mary Beth Sullivan
Advisor, Disability Services

-----Original Message-----

From: UP-11139-Copier@Lonestar.edu [mailto:UP-11139-Copier@Lonestar.edu]
Sent: Monday, December 14, 2015 12:57 PM
To: Saunders, Victoria A; Sullivan, Mary B
Subject: Scanned from a Xerox Multifunction Printer

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: machine location not set
Device Name: MC-PXC-C200-01

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

Exhibit D



Valentina E. Dassey
Assistant General Counsel
Office of the General Counsel
5000 Research Forest Drive
The Woodlands, TX 77381-4356
Phone: 832.813.6843
Fax: 832.813.6656
Valentina.E.Dassey@LoneStar.edu
LoneStar.edu

January 20, 2016

Via Email Delivery mmoates@my.lonestar.edu and
michaelsmoates@gmail.com

Via CMRRR: 7009 2820 0001 1318 5748

Mr. Michael Moates
817 Wesleyan St.
Apt. 414
Fort Worth, TX 76105

Re: Office of the General Counsel Recommendation

Dear Mr. Moates,

This letter concludes the Lone Star College Office of the General Counsel's (OGC) review into the two issues you raised with our office on January 11, 2016. Your call was directed to our office after you contacted College Presidents, Deans, and the Chancellor's Office seeking help with ongoing complaints you filed regarding alleged discrepancies with Americans with Disabilities (ADA) accommodations for Fall 2015 and Winter 2015-2016 classes.

On January 11, 2016, you called our office at approximately 10:00 a.m. Two OGC attorneys talked with you for a little over one hour. During this conversation you alleged that you had two pending issues that you felt were not being properly addressed. We note that we had several subsequent telephone conversations following your initial call.

The first issue regarded an alleged failure to give you needed accommodations for your Fall 2015 classes. You stated to OGC that you had attempted repeatedly, beginning in October 2015, to request accommodations for your Fall 2015 semester. You stated that October 2015 was the first time you enrolled in classes at Lone Star College. You stated that you attempted to request accommodations by sending numerous emails to the following email address: OnlineAdvisor@LoneStar.edu. You stated that you received no response from your numerous requests to OnlineAdvisor@LoneStar.edu. You stated that other than these emails you made no other attempts to request accommodations via the online advisors. At the end of the Fall 2015 semester, you initiated a grade appeal at Lone Star College-Tomball for at least one of your classes, basing your grade appeal, in part, on the lack of accommodations. You also initiated a student civil rights complaint regarding this same issue, which is being handled and investigated by Ann Johnson. You called OGC because you were unhappy with the grade appeal, which was unsuccessful. You were seeking, at the very least, to have your grades changed or have classes dropped.

The second issue regarded a Government class you took during the Winter 2015-2016 semester. You stated that on or about December 14, 2015, you contacted the Disability Services Office at Lone Star College-Montgomery and requested accommodations. You were granted extended test time. You allege that during one of your multiple-choice exams for the Government class you were not given extended time. You alerted your professor after the exam that you wanted to re-take the

test with extended time. You stated that the professor gave you another exam, but it was in an essay format, which you were unhappy with. Instead, you stated you wanted to either re-open the original exam or take another multiple-choice exam. You stated to OGC that you understood that academic integrity was a concern and that re-opening the original exam would not have been reasonable. You stated, however, that if you would have been given the opportunity to take another multiple-choice exam, you would have been satisfied. You, again, initiated a second grade appeal. You were unhappy with this second grade appeal because it was also unsuccessful.

You reached out to OGC so that we could review both grade appeals. You were asked to produce documents substantiating your allegations. For the first issue, you were asked to produce the numerous emails that you sent to OnlineAdvisor@LoneStar.edu. OGC wanted to verify that you made an accommodation request so that any issues from your request could be resolved. You agreed to produce the emails, which you stated were sent some time in October 2015. For the second issue, you were asked to produce any additional documents that could be helpful.

On Saturday, January 16, 2016, five days after you initially contacted OGC, you produced four emails (attached). According to you, these were the emails that you sent to OnlineAdvisor@LoneStar.edu requesting accommodations during Fall 2015. There are a few issues with the emails you produced. First, each of the four emails is **FROM: OnlineAdvisor@LoneStar.edu**, **TO: Michael Moates <michaelsmoates@gmail.com>**. It is difficult to reconcile how your request for accommodations was sent to you from Online Advisor. It seems implausible that Online Advisor would be requesting accommodations to you. Second, the third email you produced titled "Michael Moates Accommodations" is dated Tues, Jan 16, 2015 at 2:07 PM. According to you, you were not enrolled at the College in January 2015. Indeed, according to you, all of the requests for accommodation occurred during and after October 2015. But even more confusing is that this email is dated Tues, Jan 16, 2015. This also seems implausible because January 16, 2015 was a Friday, not a Tuesday.

As you can see, these irregularities make it impossible to confirm that you actually requested accommodations when you said you did. Moreover, to be extra diligent, we requested that our Office of Technology Services (OTS) review emails sent to OnlineAdvisor@LoneStar.edu during October 2015 from the email addresses you gave us. OTS was unable to find any emails that were sent from you to OnlineAdvisor@LoneStar.edu regarding accommodation. Again, we were unable to verify that you actually requested accommodations. As such, we will recommend that the Dean of Student Instruction's decision regarding your first grade appeal stand.

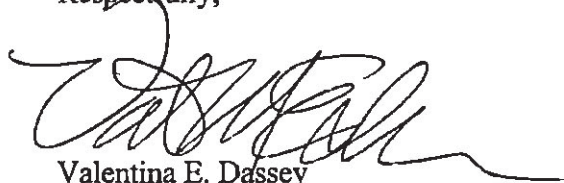
The results of your second grade appeal will also remain undisturbed. We were able to verify that your Government Professor did in fact offer you a multiple-choice exam with extra allotted time on three separate occasions (attached and highlighted). You chose to take the exam in essay format. You agreed that had you been offered a multiple choice exam you would have been happy with the outcome of this class. Because this did occur (you were given the option of extra time on a second multiple-choice exam), our recommendation is that this second grade appeal also stand.

OGC spent seven working days, from the date you contacted our office, diligently trying to verify your allegations. We were unable to find any grounds for making different recommendations.

We remind you that dishonesty is a violation of the student code of conduct. We also remind you that fabrication of evidence is a serious violation and can have serious repercussions on your academic record. At this time, we will forward this letter to you, Dr. Lee Ann Nutt and Dr. Rebecca Riley. This concludes our review.

Questions concerning this review should be addressed to Val Dassey at the Office of the General Counsel at Valentina.E.Dassey@lonestar.edu or at (832)813-6843. Moreover, in the future, we recommend that you direct questions and concerns regarding your accommodations to Disability Services Office Manager, Iris Hansen, at Iris.D.Hansen@lonestar.edu or at (281)290-1869. You stated to OGC that you previously communicated with Ms. Hansen and are comfortable with her.

Respectfully,

A handwritten signature in black ink, appearing to read 'Val Dassey', with a long horizontal flourish extending to the right.

Valentina E. Dassey
Assistant General Counsel
Office of the General Counsel
Lone Star College System

cc: Mario K. Castillo, General Counsel
Dr. Lee Ann Nutt, President of Lone Star College Tomball
Dr. Rebecca Riley, President of Lone Star College Montgomery

Enclosures (2):

1. Email correspondence from Michael Moates to OGC attorney, Val Dassey (2 pages)
2. Email correspondence between Michael Moates and Professor Lovell (9 pages)

Dassey, Valentina

From: Michael Moates <michaelsmoates@gmail.com>
Sent: Saturday, January 16, 2016 4:23 AM
To: Dassey, Valentina
Subject: Michael Moates Email's

Val I have attached the email I was able to find. Bear in mind that I can not forward the attachment but I believe you already have the documentation.

----- Forwarded message -----

From: OnlineAdvisor@LoneStar.edu
Date: Mon, Oct 19, 2015 at 4:31 PM
Subject: Michael Moates Disability
To: Michael Moates <michaelsmoates@gmail.com>

Hello,

My name is Michael S. Moates. I want to put my 504 plan into place. Please email me back or call me at 817-880-4326. I need to get these put into place ASAP. I have attached a copy of my documentation from the Child Study Center and Dr. Julian Haber.

Respectfully,

Michael Moates

----- Forwarded message -----

From: OnlineAdvisor@LoneStar.edu
Date: Mon, Nov 9, 2015 at 8:44 PM
Subject: Michael Moates 504
To: Michael Moates <michaelsmoates@gmail.com>

Hello,

I have been trying to get a hold of somebody for some time now trying to get my accommodations put into place. I really need somebody to help me I have attached the documentation and would really much appreciate hearing from somebody ASAP. Not having these accommodations in place is directly impacting my great because I need these for my disability.

----- Forwarded message -----

From: OnlineAdvisor@LoneStar.edu
Date: Tues, Jan 16, 2015 at 2:07 PM
Subject: Michael Moates Accommodations
To: Michael Moates <michaelsmoates@gmail.com>

Hello,

My name is Michael Moates. I have some accommodations I need to discuss with someone. Please email me back or call me at 817-880-4326. I need to get these put into place ASAP.

Respectfully,

Michael Moates

----- Forwarded message -----

From: OnlineAdvisor@LoneStar.edu

Date: Sat, Nov 28, 2015 at 8:37 AM
Subject: Michael Moates 504 Plan
To: Michael Moates <michaelsmoates@gmail.com>

Hello,

I am really starting to get irritated at been trying to contact you guys recording my accommodations for some time now I nobody is going communication back with me. I am really frustrated that this is not been put into place within reasonable matter time and I am about ready to file something with the Department of Education of somebody does not get back in communication with me. I have again attached the documentation.

Respectfully,

Michael Moates
(817)-880-4326

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Dec 29, 2015, at 3:02 PM, Lovell, Darrell A <Darrell.A.Lovell@lonestar.edu> wrote:

Michael,

After speaking with my department chair, who is copied here, I have uploaded your essay exam. It is four questions worth 25 points each.

You will need the password Matthew248 to enter the exam. If you provide this password to any other student it will be considered cheating and I will apply a zero for the exam. Once entered you will have 90 minutes to complete the exam and one chance to do it. If there is an issue with D2L exit the exam immediately, do not proceed, notify me first and then call tech support. If you cannot see the exam notify me immediately.

The exam is available and must be completed by 3PM Wednesday 12/30. Failure to meet this deadline will result in me assigning the grade on the previous exam.

Once completed you will receive the higher of the two grades of this exam and the first one and the grade will be assigned.

Regarding your appeal, I have no effect on that process or your abilities/options for it. Therefore I will not provide anything for that.

1

Darrell Lovell
Adjunct Instructor, Lone Star College
Government
Darrell.A.Lovell@lonestar.edu

From: Michael Moates <michaelsmoates@gmail.com>
Sent: Tuesday, December 29, 2015 10:33 AM
To: Lovell, Darrell A
Cc: Benifield, Annie J
Subject: Re: Michael Moates Accommodations

Sir,

After speaking with Dr. Nutt today, I have decided I would like to take the essay exam format you offered to me earlier this week. I will take the higher of the two grades as you offered. However, if I do worse on the essay exam I still would like to have it in writing that I have the right to appeal the grade due to the fact that the original accommodations were not put in place for the original exam and that by taking this option I am not waiving that right. I know that this was not intentional but I want to protect myself and my grade as much as possible. Per Dr. Nutt, I will be speaking with the VP of Student Services after the break.

Respectfully,

Michael Moates

On Tue, Dec 29, 2015 at 7:25 AM, Lovell, Darrell A <Darrell.A.Lovell@lonestar.edu> wrote:
Ok. Be sure to complete the work moving forward this week.

Darrell Lovell
Assistant Professor, Political Science
Lone Star College University Park
Darrell.a.lovell@lonestar.edu
Sent from my Sprint Samsung Galaxy S@ 5
y>

----- Original message -----

From: Michael Moates <michaelsmoates@gmail.com>
Date: 12/29/2015 1:21 AM (GMT-06:00)
To: "Lovell, Darrell A" <Darrell.A.Lovell@lonestar.edu>, "Benifield, Annie J" <Annie.J.Benifield@lonestar.edu>
Subject: Re: Michael Moates Accommodations

Good Morning,

I have to tell you that this is not the first time this has happened. I would like to consult the disability services department as that is my legal right and will get back to you after that. At this point, you are changing what you told me I could do and now I want to cover my bases. I have in writing my accommodations which were not followed. This makes it a civil service matter. I have a call scheduled with President Nutt after the break for a previous issue of accommodations I will speak with her then regarding this issue. Averaging the grades would possibly make my

grade lower than it is now which is not right. Having to take a different exam is not what is supposed to be done. This happened because the correct settings were not input into D2L and I have that in writing from D2L support. I also spoke to the the gentlemen who you sent me the email and he said I cant redo that attempt but you could open and it up and allow me to finish with my answer saved.

At this point, I would like the grade to sit still until after I have had a chance to consult with disabilitiy services, Dr. Nutt, and the Texas Higher Coordinating Board regarding this issue as my rights were clearly violated.

Respectfully,

Michael Moates

On Mon, Dec 28, 2015 at 1:37 PM, Lovell, Darrell A <Darrell.A.Lovell@lonestar.edu> wrote:
Michael

I consulted my department chair Dr. Benifield today as well as our dean and here is what they have advised....

You have two options

1. I make you a different multiple choice exam and you take the higher of your two scores.
2. I average your 1st exam and final and apply that as your exam two grade.

Let me know which you choose by 5PM today. If you choose option 1 I will have to write the exam up and it will be ready for tomorrow and you will have to complete it by Tuesday evening at 9PM.

Darrell Lovell
Assistant Professor, Political Science
Lone Star College University Park
Darrell.a.lovell@lonestar.edu
Sent from my Sprint Samsung Galaxy S@ 5
y>

----- Original message -----

From: Michael Moates <michaelsmoates@gmail.com>
Date: 12/27/2015 10:14 PM (GMT-06:00)
To: "Lovell, Darrell A" <Darrell.A.Lovell@lonestar.edu>
Subject: Re: Michael Moates Accommodations

How many essay questions would there be or would it be like a written essay?

Sent from my iPhone

On Dec 27, 2015, at 9:31 PM, Lovell, Darrell A <Darrell.A.Lovell@lonestar.edu> wrote:

That is contradictory to what I have been told on multiple occasions by tech support. I just spoke with Mark with tech support and he confirmed that an attempt cannot be re-opened, I could allow you another attempt but you would have to do it from scratch. I have asked him to send me an email that I will forward to you to confirm or he said to call them and ask for him by name.

As for me not liking what you write, I grade everything objectively. That is my job. If you answer the question correctly and fully you would get the credit you earn.

You believe you should be given the same exam. I believe it is unfair to others to give any student an exam they have already seen regardless of circumstance. I will provide you with an exam, even a multiple choice exam if you choose, that you will have 90 minutes to complete. The exam would be fair and on the same material.

If I allow you to take an exam you have already answered all the questions for and had multiple days to consider it would be disingenuous to the assessment and academic process.

Darrell Lovell
Assistant Professor, Political Science
Lone Star College University Park
Darrell.A.Lovell@lonestar.edu
Sent from my Sprint Samsung Galaxy S® 5
y>

----- Original message -----

From: Michael Moates <michaelsmoates@gmail.com>
Date: 12/27/2015 9:14 PM (GMT-06:00)
To: "Lovell, Darrell A" <Darrell.A.Lovell@lonestar.edu>
Subject: Re: Michael Moates Accommodations

Here is my response to your previous email:

I spoke to the service desk and they informed me what you were told is false. This possible to be opened back up by the teacher. Also, it would not get rid of my answers so I could have that extra thirty minutes. The exam can be opened back up I just got off the phone with them. "Once an exam is submitted in D2L you cannot restart it or reopen it according to LSC tech support."

What is a part of the ADA rules is the fact that I have to take the same test as everyone else but modified timing and I do have that in writing in the rules.

The reason I am so admit is because I don't want my GPA to be affected and an essay is an open ended question. You could not like what I submit and I could get a lower grade than the first exam.

Respectfully,

Michael Moates

On Sun, Dec 27, 2015 at 2:16 PM, Lovell, Darrell A
<Darrell.A.Lovell@lonestar.edu> wrote:

That is fine. Here you go:

I entered your accommodations but the system, D2L, did not save them. That was the issue. I acknowledge that issue and you will be given the chance to take exam two with the accommodations.

However, according to the attempt logged in D2L you completed the exam and answered all 50 questions in 42 minutes. Once an exam is submitted in D2L you cannot restart it or reopen it according to LSC tech support.

The options we have is to take your grade or to allow you to re-take exam two. While I acknowledge that your accommodations were not met due to a mix up in D2L, I cannot allow you to take the same exam. You have seen the exam and it would be unfair to allow you to take an exam that you have already seen and had the opportunity to prepare for. While you have accommodations, that is not part of them in my understanding.

My policy on any make up/re-take, which this will be, is to substitute that with an essay exam. However, I will give you a new multiple choice exam, but it will not be the same questions. The exam will cover the same material and sections that we have gone over for exam two.

If you feel this is unfair you can speak with my department chair, Annie Benifield (Annie.Benifield@lonestar.edu) or with the disability office on campus.

Darrell Lovell
Adjunct Instructor, Lone Star College
Government
Darrell.A.Lovell@lonestar.edu

From: Michael Moates <michaelsmoates@gmail.com>
Sent: Sunday, December 27, 2015 2:03 PM
To: Lovell, Darrell A

Subject: Re: Michael Moates Accommodations

I want to keep everything in writing at this point. So I prefer if we could just email back-and-forth. I'm sorry for being so hard-core about this but my grade point average is really high and I feel like it's going to bring it down significantly.

Sent from my iPhone

**On Dec 27, 2015, at 1:59 PM, Lovell, Darrell A
<Darrell.A.Lovell@lonestar.edu> wrote:**

My number is 832 724 7918

**Darrell Lovell
Assistant Professor, Political Science
Lone Star College University Park
Darrell.A.Lovell@lonestar.edu
Sent from my Sprint Samsung Galaxy S® 5
y>**

----- Original message -----

**From: Michael Moates <michaelsmoates@gmail.com>
Date: 12/27/2015 1:55 PM (GMT-06:00)
To: "Lovell, Darrell A" <Darrell.A.Lovell@lonestar.edu>
Subject: Re: Michael Moates Accommodations**

Sir,

With all due respect, that is not acceptable to me. As a student my rights were violated, I am supposed to be taking the same exam as everyone else. I only used 42 minutes because I wanted to go take a screen shot showing that I only received an hour. According to your own syllabus, technology issues are not acceptable excuses. I feel that the exam should be opened up with my current answers and I should be allowed to go in and finish. I mean no disrespect if that how you choose not to go I would like to contact the ADA office. I don't think having me do a different test where I could possibly get a lower score is fair nor having me redo an entire test because of technical error. I would like to contact the ADA office and I will get back with you.

Respectfully,

Michael Moates

**On Sun, Dec 27, 2015 at 10:09 AM, Lovell, Darrell A
<Darrell.A.Lovell@lonestar.edu> wrote:
Michael**

**So I am back.....it looks like the system did not save the
changes. So that is what happened.**

**It only took you 42 of the 60 minutes to complete the exam.
So you did not need the extra time.**

**If you redo the exam I cannot let you take the same exam
because you have already seen it. If you take another exam it
will be an essay exam. You will have the 90 minutes but I
cannot let you take an exam you have already seen and
furthermore completed in less than the time allotted.**

**If you want the make up I will set it up so you can take it
tomorrow.**

**Darrell Lovell
Assistant Professor, Political Science
Lone Star College University Park
Darrell.A.Lovell@lonestar.edu
Sent from my Sprint Samsung Galaxy S® 5
y>**

----- Original message -----

**From: Michael Moates <michaelsmoates@gmail.com>
Date: 12/26/2015 10:39 PM (GMT-06:00)
To: "Lovell, Darrell A" <Darrell.A.Lovell@lonestar.edu>
Subject: Fwd: Michael Moates Accommodations**

**I understand its just I won't be available to take work on this
tomorrow because I will be unavailable. I was just double
checking. I mean no disrespect I just don't want to loose
credit because I couldn't be available tomorrow.**

Respectfully,

Michael Moates

Begin forwarded message:

From: "Lovell, Darrell A"
<Darrell.A.Lovell@lonestar.edu>
Subject: RE: Michael Moates Accommodations
Date: December 26, 2015 at 10:36:44 PM CST
To: Michael Moates
<michaelsmoates@gmail.com>

Michael,

I told you I would look into it when I got back tomorrow. I will do that. Thank you.

Darrell Lovell
Assistant Professor, Political Science
Lone Star College University Park
Darrell.A.Lovell@lonestar.edu
Sent from my Sprint Samsung Galaxy S® 5
y>

----- Original message -----

From: Michael Moates
<michaelsmoates@gmail.com>
Date: 12/26/2015 10:29 PM (GMT-06:00)
To: "Lovell, Darrell A"
<Darrell.A.Lovell@lonestar.edu>
Subject: Re: Michael Moates Accommodations

Sir,

Spoke to D2L and they told me that Exam 2 had no special access permission settings that it was only set to an hour. Maybe it was only that one exam.

Respectfully,

Michael Moates

On Sat, Dec 26, 2015 at 12:16 PM, Lovell,
Darrell A <Darrell.A.Lovell@lonestar.edu>
wrote:
Michael